

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HUMANITARIAN LAW PROJECT; RALPH
FERTIG; ILANKAI THAMIL SANGAM;
TAMILS OF NORTHERN CALIFORNIA;
TAMIL WELFARE AND HUMAN RIGHTS
COMMITTEE; FEDERATION OF TAMIL
SANGAMS OF NORTH AMERICA; WORLD
TAMIL COORDINATING COMMITTEE;
NAGALINGAM JEYALINGAM,

Plaintiffs-Appellants,
Cross-Appellees,

v.

UNITED STATES DEPARTMENT OF
JUSTICE; UNITED STATES
DEPARTMENT OF STATE; JOHN
ASHCROFT, Attorney General; COLIN
L. POWELL, Secretary of State,
Defendants-Appellees,
Cross-Appellants.

Nos. 02-55082
02-55083

D.C. No.
CV-98-01971-ABC
ORDER

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, District Judge, Presiding

Argued and Submitted
December 14, 2004—Pasadena, California

Filed December 21, 2004

Before: Mary M. Schroeder, Chief Judge, Alex Kozinski,
Andrew J. Kleinfeld, Sidney R. Thomas, Susan P. Graber,
M. Margaret McKeown, Kim McLane Wardlaw,
Ronald M. Gould, Richard C. Tallman,
Consuelo M. Callahan, and Carlos T. Bea, Circuit Judges.

COUNSEL

David Cole, Georgetown University Law Center, Washington, D.C.; Nancy Chang, Center For Constitutional Rights, New York, New York, for the plaintiffs-appellants-cross-appellees.

Douglas N. Letter, United States Department of Justice, Civil Division, Washington, D.C., for the defendants-appellees-cross-appellants.

Stephen P. Berzon, Altshuler, Berzon, Nussbaum, Rubin & Demain, San Francisco, California; Abbe David Lowell, Chadbourne & Parke LLP, Washington, D.C.; Jack Dicano, Proskauer Rose, LLP, Los Angeles, California, for amicus Roya Rahmani.

Jameel Jaffer, Ann Beeson and Melissa Goodman, American Civil Liberties Union Foundation, New York, New York, for amicus American Civil Liberties Union, et al.

ORDER

With respect to the appellants' First Amendment challenge to sections 302 and 303 of the Antiterrorism and Effective Death Penalty Act of 1996, we affirm the district court's order dated October 2, 2001, for the reasons set out in *Humanitarian Law Project v. Reno*, 205 F.3d 1130 (9th Cir. 2000).¹ In light of Congress's recent amendment to the challenged statute, the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, 118 Stat. 3638, we affirm the judgment in part, as set forth above, vacate the judgment and injunction regarding the terms "personnel" and "training," and remand to the district court for further proceedings, if any, as

¹*Humanitarian Law Project v. United States Department of Justice*, 352 F.3d 382 (9th Cir. 2003), is vacated.

appropriate. We decline to reach any other issue urged by the parties.

The parties shall bear their own costs on appeal.

PRINTED FOR
ADMINISTRATIVE OFFICE—U.S. COURTS
BY WEST—SAN FRANCISCO

The summary, which does not constitute a part of the opinion of the court, is copyrighted
© 2004 by West, a Thomson Company.